

## **New Storm Water Ordinance for San Diego**

By Karen Larson Henry, P.E., Deputy Director

The City of San Diego enacted San Diego Municipal Code (SDMC) §43.03 entitled *Storm Water Management and Discharge Control* in 1993, commonly referred to as the City's storm water ordinance. This ordinance, in a nutshell, makes it unlawful for any person to discharge non-storm water into the City's storm water conveyance system. For contractors, this means that concrete slurry, stucco, sediments, paint, and other disposal of materials into the street gutter or storm drain are illegal discharges. The intent of the ordinance is to protect and enhance the water quality of our watercourses, water bodies, and wetlands in a manner consistent with the federal Clean Water Act. The storm water conveyance system collects storm water and urban runoff containing pollutants and discharges these flows untreated into the creeks, rivers, bays, and ocean.

For six years, the City maintained a policy to educate violators of the storm water ordinance as the first response for compliance. Education was used unless there was evidence that the pollutant was intentionally discharged or exceptionally dangerous to the environment. The City Council changed this policy in 1999 directing the Storm Water Pollution Prevention Program to implement the administrative civil penalties and citation process. Since June 2000, 387 citations and 41 civil penalties have been issued for storm water violations.

Earlier this year, a new Municipal Storm Water Permit for the San Diego region went into effect, which regulates the discharge of pollutants from storm drains. Although erosion control and water quality regulations were already in place, revisions to the code were necessary to maintain consistency with the current Permit. Accordingly, the City Council amended three sections of the code to comply with the permit:

Chapter 4 Article 3 Division 3 – Storm Water Management and Discharge Control

Chapter 14 Article 2 Division 1 – Grading Regulations

Chapter 14 Article 2 Division 2 – Drainage Regulations

The new storm water ordinance (SDMC §43.03) takes effect on October 10, 2001. The Grading and Drainage Regulations, which also include water quality, will not be effective until they are reviewed and approved by the Coastal Commission. Coastal Commission approval is anticipated later this year.

The code revisions range from minor edits (such as making “storm water” into two words and changing “siltation” to “sedimentation”) to revising entire sections. The sections of the storm water ordinance were reorganized into a more logical sequence and the sections pertaining to development were relocated into the Land Development Code (grading and drainage regulations). New terminology used in the permit and wording to clearly state that property owners are required to implement and maintain storm water Best Management Practices throughout the life of a project are included. In addition, the

enforcement remedies section increases the maximum civil penalties or fines to **\$10,000 per day per violation** (from \$2500).

It is important to note that specific non-storm water discharges are allowable with the caveat that they are not a significant source of pollutants into or from the storm water conveyance system. These allowable discharges specified in the SDMC §43.0305 are as follows:

- Water line flushing and other discharges from potable or raw water supply sources,
- Landscape irrigation and lawn watering
- Rising ground waters or springs
- Uncontaminated pumped groundwater not subject to any applicable NPDES permit
- Passive foundation and footing drains
- Water from crawl space pumps,
- Air conditioning condensation,
- Non- commercial and residential washing of vehicles,
- Flows from riparian habitats and wetlands
- Dechlorinated swimming pool discharges
- Flows from fire fighting

The City of San Diego is committed to clean beaches and bays. Earlier this year, Mayor Dick Murphy identified “Clean Up Our Beaches and Bays” as one of his top ten goals for the City. Everyone who lives and works in San Diego can be part of the solution to protect or enhance the local water quality. You can make a difference by being aware of illegal discharges and if you see one, report it. The City of San Diego’s storm water hotline is (619) 533-3793. Reports of illegal discharges can also be made to the regional hotline 1-888-THINK-BLue.

The San Diego Municipal Code can be accessed from the City of San Diego Website.  
<http://clerkdoc.sannet.gov/Website/mc/mc.html>

A copy of the current storm water ordinance can also be obtained by contacting the Storm Water Pollution Prevention Program at (619) 525-8647.

Copies of the proposed Grading and Drainage Regulations, which have been submitted to the Coastal Commission for consideration, can be obtained from Senior Civil Engineer, Cal Chong in the Development Services Department at (619) 557-7979.